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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/750,940
	Filing Date	December 29, 2000
	First Named Inventor	Cai et al.
	Art Unit	2142
	Examiner Name	D. Blair
Total Number of Pages in This Submission	Attorney Docket Number	JP9-1999-0279US (8728-464)

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FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	09/750,940
Filing Date	December 29, 2000
First Named Inventor	Cai
Examiner Name	D. Blair
Art Unit	2142
Attorney Docket No.	JP9-1999-0279US (8728-464)

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☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Cai et al. Examiner: D. Blair
Serial No: 09/750,940 Group Art Unit: 2142
Filed: December 29, 2000 Docket: JP-1999-0279US (8728-464)
For: A PLUGGABLE SERVICE DELIVERY PLATFORM

APPEAL BRIEF

This is an Appeal from the Office Action mailed August 10, 2005 (Paper No. 20050731), rejecting claims 1-6, 8 and 9. Applicants reinstated the appeal under MPEP § 1204.01 pursuant to the Notice of Appeal filed on November 14, 2005 and submit this appeal brief.

Appeal from Group 2142

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1. **Real Party in Interest**

The real party in interest is INTERNATIONAL BUSINESS MACHINES CORPORATION, the assignee of the entire right, title and interest in and to the subject application by virtue of an assignment of record.

2. **Related Appeals and Interferences**

None.

3. **Status of Claims**

Claims 1-6, 8 and 9 are pending, stand rejected and are under appeal.

A copy of the claims 1-6, 8 and 9 as pending is presented in the Claims Appendix.

4. **Status of Amendments**

The pending claims were not amended after Final Rejection.

5. **Summary of Claimed Subject Matter**

In independent claim 1, a pluggable service delivery platform for supporting many devices requesting many services in an e-business application is provided.

A device-platform interface (p. 2, line 19-p. 3, line 6: "Device Abstraction Layer"; FIG. 1: "DAL"; FIG. 5) is provided. The device-platform interface accepts device requests issued by devices wherein said device requests are in a representation mode which is adapted for the devices (p. 2, lines 20-21). The device-platform interface transforms the device requests into XML requests, and then sends the XML requests to a platform kernel

section via HTTP protocol (p. 2, lines 21-22). The device-platform interface transforms XML responses which are returned by the platform kernel section into the representation mode (p. 2, lines 22-24). The device-platform interface includes a common transcoding section, which transcodes between the representation mode and XML (p. 3, lines 1-3; p. 9, lines 6-14). The device-platform interface further includes a device dependent component (p. 3, lines 4-6). The device dependent component includes device type and transmitting protocol information.

A service-platform interface (p. 3, lines 7-12: “Service Abstraction Layer”; FIG. 1: “SAL”; FIG. 4) is provided. The service-platform interface abstracts service requirements of the services as a common base (p. 3, lines 8-9). The service-platform interface provides an adapter for each of the services based on the service requirements (p. 3, lines 9-10). The adapter transforms between service responses issued by the services and the XML responses (p. 3, lines 10-12).

A platform kernel section (p. 3, lines 13-20; FIG. 1), which manages user information, device information and service information (p. 3, lines 13-16) is provided. The platform kernel section provides a synchronized or an asynchronous service engine (p. 3, line 17). The platform kernel section provides interfaces with modules in the platform kernel section (p. 3, line 18). The platform kernel section transfers the XML requests and the XML responses among the modules and between services and devices (p. 3, lines 19-20).

6. **Grounds of Rejection to be Reviewed on Appeal**

- A. Claims 1-6 and 8-9 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.
- B. Claims 1-2, 6 and 8-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lonroth et al. (U.S. Patent No. 6,826,597) (hereinafter "Lonroth").
- C. Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lonroth.

7. **Argument**

A. **Introduction**

Section 101 of title 35, United States Code, provides: "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." For the reasons set forth below, the rejected claims fully satisfy the requirements of § 101, and therefore, Appellants respectfully request that the claim rejections under 35 U.S.C. § 101 reversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See Glaxo Inc. v. Novopharm Ltd.*, 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir. 1995). In other words, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d

1001, 1010 (Fed. Cir. 1991). An anticipation rejection cannot be predicated on an ambiguous reference. Rather, statements and drawings in a reference relied on to prove anticipation must be so clear and explicit that those skilled in the art will have no difficulty in ascertaining their meaning. *See In re Turlay*, 304 F.2d 893, 899, 134 USPQ 355, 360 (CCPA 1962).

It is respectfully submitted that the Examiner has failed to show that the reference Lonroth describes each and every limitation in the rejected claims. For the reasons set forth below, Appellants respectfully request that the claim rejections under 35 U.S.C. § 102(e) be reversed.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993). The burden of presenting a *prima facie* case of obviousness is only satisfied by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). A *prima facie* case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to one of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 782 (Fed. Cir. 1993). The suggestion to combine the references should come from the prior art, and the Examiner cannot use hindsight gleaned from the invention itself to pick and choose among related disclosures in the prior art to arrive at the claimed invention. *In re Fine*, 837 F.2d at 1075. If the Examiner fails to establish a *prima facie* case, the rejection is improper and must be overturned. *In re Rijckaert*, 9 F.3d at 1532 (citing *In re Fine*, 837 F.2d at 1074).

It is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness for the rejected claims. For the reasons set forth below, Appellants respectfully request that the claim rejections under 35 U.S.C. § 103(a) be reversed.

B. Claims 1-6 and 8-9 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

(i). Claims 1-6 and 8-9 fully comply with the requirements of 35 U.S.C. § 101.

The Examiner contends in paper no. 20050731 at page 2, #3, that “[t]he claimed subject matter must be tangibly embodied on some form of physical medium.” The Examiner provides no further explanation or guidance as to the rejection.

It should first be noted that physical transformation “is *not* an invariable requirement, but merely *one example* of how a mathematical algorithm [or law of nature] may bring about a useful application.” *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358-59 (Fed. Cir. 1999). Therefore, the Examiner’s one-sentence, conclusory sentence is *necessarily* insufficient to establish a proper rejection under 35 U.S.C. § 101. Notwithstanding that, however, claims 1-6 and 8-9 are not even directed to a mathematical algorithm or law of nature. In fact, the claims are expressly directed to a physical embodiment. Independent claim 1 claims a “*pluggable service delivery platform for supporting many devices*.” The claimed pluggable service delivery platform is a practical application that produces a useful, concrete and tangible result. The Examiner’s conclusory statements and assertions establish nothing to the contrary. Thus, the Examiner’s argument that the claimed invention is directed to non-statutory subject matter is without merit.

Because claims 1-6 and 8-9 fully comply with the requirements of 35 U.S.C. § 101, the rejection of claims 1-6 and 8-9 under § 101 should be reversed.

C. Claims 1-2, 6 and 8-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lonnroth.

- (i). **Lonnroth fails to disclose “accepting device requests issued by devices...[and] transforming the device requests into XML requests,” as claimed in claim 1.**

The Examiner incorrectly relies on col. 3, line 61-col. 4, lines 26 of Lonnroth as disclosing “transforming the device requests into XML requests,” as claimed in claim 1. Lonnroth at col. 4, lines 7-10 states that “preprocessor 240 receives requests and [sic] from clients and generates request objects based thereon.” Looking at Figure 2 of Lonnroth, the preprocessor (240) receives the data from three sources: (a) over HTTP from the gateway (202), (b) over PROTOCOL A from client (272) and (c) over PROTOCOL B from client (270).

Assuming, *arguendo*, that the WAP phone (210) of Lonnroth is capable of issuing the claimed “device request,” then the request will *necessarily* be a WAP request because the WAP phone (210) is a WAP-enabled device. However, the preprocessor (240) would not receive the WAP requests directly from the WAP phone (210). Instead, the preprocessor (240) would receive an *HTTP request*, converted from the original WAP request, from the gateway (202). Lonnroth at col. 5, lines 18-21 expressly supports the above conclusion: “Through its support for HTTP requests, pre-processor 240 appears as a web server to gateway 202, and is therefore *able to receive HTTP requests that originated as WAP requests issued from WAP-enabled devices.*”

At best, Lonnroth may be interpreted as receiving WAP requests from the WAP-enabled device and converting the WAP requests to an HTTP request. Not until the preprocessor (240) generates the request objects from the *HTTP requests* (*not* the WAP requests) does Lonnroth mention XML documents (see Lonnroth at col. 4, lines 7-10). Thus, Lonnroth does *not* disclose “a device-platform interface, for *accepting device requests* issued by devices...[and] *transforming the device requests into XML requests*.”

Because Lonnroth does not disclose each and every limitation of claim 1, it is respectfully asserted that no *prima facie* case of anticipation has been made out.

Accordingly, the rejection of claims 1-6 and 8-9 should be reversed.

(ii). **Lonnroth fails to disclose “sending the XML requests to a platform kernel section via HTTP protocol,” as claimed in claim 1.**

The Examiner incorrectly relies on col. 3, line 61-col. 4, lines 26 of Lonnroth as disclosing “sending the XML requests to a platform kernel section via HTTP protocol,” as claimed in claim 1. Lonnroth at col. 4, lines 12-15 states that “XML document ‘requests’ are forwarded to XML processor 242 which obtains XML documents from one or more XML sources to which XML processor 242 is connected.”

Assuming, *arguendo*, that the XML processor (242) of Lonnroth discloses the claimed “platform kernel section,” Lonnroth fails to disclose that the XML document requests are forwarded to the XML processor (242) *via HTTP protocol*. The use of HTTP protocol is expressly illustrated in Figure 2 of Lonnroth between network (212) and preprocessor (240), between network (212) and postprocessor (244), between Internet 108 and XML gateway 234, and between Internet 108 and web server 110. The omission of

HTTP protocol between preprocessor (240) and XML processor (242) of Figure 2 of Lonnoth strongly indicates that HTTP protocol is *not* to be used there.

Because Lonnoth does not disclose each and every limitation of claim 1, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claims 1-6 and 8-9 should be reversed.

(iii). **Lonnoth fails to disclose “transforming XML responses which are returned by the platform kernel section into the representation mode,” as claimed in claim 1.**

In section (C)(ii) above, we assumed, *arguendo*, that the XML processor (242) of Lonnoth discloses the claimed “platform kernel section.” However, as shown in Figure 2 of Lonnoth, the preprocessor (240) does *not* receive any data from the XML processor 242 (i.e., only a one-way arrow is shown from the preprocessor (240) to the XML processor (242)). Therefore, Lonnoth *necessarily* fails to disclose “transforming XML responses which are *returned by the platform kernel section* into the representation mode.”

It should be noted that although Figure 2 of Lonnoth illustrates two-way communication between the preprocessor (240) and the configuration database (254), Lonnoth fails to disclose “sending the XML requests to [the configuration database (254)] via HTTP protocol,” or “transforming XML responses which are returned by [the configuration database (254)] into the representation mode,” as essentially claimed in claim 1.

Because Lonnoth does not disclose each and every limitation of claim 1, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claims 1-6 and 8-9 should be reversed.

- (iv). **Lonroth fails to disclose “providing an adapter for each of the services based on the service requirements, the adapter for transforming between service responses issued by the services and the XML responses” as claimed in claim 1.**

The Examiner incorrectly relies on col. 7, lines 38-50 of Lonroth as disclosing, “providing an adapter for each of the services based on the service requirements, the adapter for transforming between service responses issued by the services and the XML responses.” The recited portion of Lonroth describes the postprocessor (244), as illustrated in Figure 2. Nothing in Figure 2 of Lonroth discloses “*an adapter for each of the services based on the service requirements.*”

Further, the postprocessor (244) of Lonroth receives *XML responses* (not service responses) from the XML processor (242). Therefore, the postprocessor (244) necessarily fails to disclose “the adapter for *transforming between service responses issued by the services and the XML responses.*”

Because Lonroth does not disclose each and every limitation of claim 1, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claims 1-6 and 8-9 should be reversed.

- (v). **Lonroth fails to disclose “a platform kernel section, for managing user information, device information and service information,” as claimed in claim 1.**

The Examiner incorrectly relies on col. 6, lines 1-47 of Lonroth as disclosing, “a platform kernel section, for managing user information, device information and service information.” The recited portion of Lonroth describes the XML processor (242), as illustrated in Figure 2. Nothing in the recited portion of Lonroth discloses that the XML processor (242) manages all *three* of “*user information, device information and service*

information,” as essentially claimed in claim 1. Therefore, the Examiner’s argument is without merit.

Because Lonroth does not disclose each and every limitation of claim 1, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claims 1-6 and 8-9 should be reversed.

(vi). **Lonroth fails to disclose “providing one of a synchronized and an asynchronous service engine,” as claimed in claim 1.**

The Examiner incorrectly relies on col. 6, lines 1-47 of Lonroth as disclosing, “providing one of a synchronized and an asynchronous service engine.” In section (C)(v) above, we noted that the recited portion of Lonroth describes the XML processor (242), as illustrated in Figure 2. However, nowhere in the recited portion of Lonroth does it teach that the XML processor (242) provides “one of a synchronized and an asynchronous service engine,” as essentially claimed in claim 1. Therefore, the Examiner’s argument is without merit.

Because Lonroth does not disclose each and every limitation of claim 1, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claims 1-6 and 8-9 should be reversed.

(vii). **Lonroth fails to disclose “said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer,” as claimed in claim 2.**

The Examiner incorrectly relies on Figure 2, #242, #232, #234 and #230 of Lonroth as disclosing “said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer.” It should first be noted that,

with regards to claim 1, the Examiner relied only on the XML processor (242) as disclosing the claimed “platform kernel section” (see sections (C)(v) and (C)(vi) above). Now the Examiner includes other components of Figure 2 of Lonnoth in attempting to anticipate the claimed “platform kernel section.” This technique for rejecting claims is improper because the Examiner views the dependent claims in a vacuum, without full appreciation of and consistency with the arguments presented for the independent claims.

Nevertheless, the Examiner’s arguments are without merit. Particularly, the recited portions of Lonnoth fail to disclose the following:

- “the administration layer and the development layer are *associated via a platform API*”;
- “the run-time layer *provides on-line information access*”;
- “the administration layer is responsible *for adding and deleting the user information, the device information and the service information*”; and
- “the development layer *provides support to new services and new devices.*”

The Examiner, on paper no. 20050731 at p. 4, #8, argues only that “Figure 2, reference number 242, the processor provides run-time access,” “Figure 2, reference numbers 232 and 234, the XML gateways provide rules for interacting with users,” and “Figure 2, reference number 230, the XML source provides support for services and devices.” The Examiner provides no additional analysis other than these few sparse, unsupported statements.

Whether the preprocessor (242) provides run-time access is *entirely irrelevant* to “the run-time layer *provides on-line information access*,” as claimed in claim 2. Further it

is unclear how the Examiner even concludes that the the preprocessor (242) provides run-time access, as the text of Lonnroth does not support the assertion.

Whether the XML gateways (232, 234) provides rules for interacting with users is *entirely irrelevant* to “the administration layer is responsible *for adding and deleting the user information, the device information and the service information,*” as claimed in claim

2. Similar to the above, it is unclear how the Examiner even concludes that the XML gateways (232, 234) provide rules for interacting with users, as the text of Lonnroth does not support the assertion.

Whether the XML source (230) provides support for services and devices is *entirely irrelevant* to “the development layer provides support to *new* services and *new* devices,” as claimed in claim 2. Similar to the above, it unclear how the Examiner even concludes that the XML source (230) provides support for services and devices. Looking at Figure 2, the XML source (230) is far removed from the WAP phone (210) and the web server (110). Further, any association between the XML source (230) with services and devices is not disclosed by the text of Lonnroth.

Finally, the Examiner does not even address “the administration layer and the development layer are *associated via a platform API,*” as claimed in claim 2.

Because Lonnroth does not disclose each and every limitation of claim 2, it is respectfully asserted that no *prima facie* case of anticipation has been made out.

Accordingly, the rejection of claim 2 should be reversed.

(viii). **Lonroth fails to disclose “transforming among communication protocols based on script languages of the devices stored in said device information,” as claimed in claim 6.**

The Examiner incorrectly relies on col. 8, lines 20-67 of Lonroth as disclosing “transforming among communication protocols based on script languages of the devices stored in said device information,” as claimed in claim 6. The recited portion of Lonroth describes XSL style sheets, which, as stated in Lonroth at col. 8, lines 22-24, “contain instructions about how each type of data item that can be contained in an XML document should be formatted prior to transmission to the client.” Lonroth at col. 8, lines 54-67 discloses that XSL style sheets (250) can be used “to include transformation rules that cause the XML document to be transformed into another type of document or message.” However, nothing in the recited portion of Lonroth discloses “*transforming among communication protocols based on script languages of the devices stored in said device information*,” as claimed in claim 6.

It should be noted that the Examiner in section (C)(v) above contends that the “platform kernel section,” which manages the “device information,” as claimed in claim 1, is anticipated by the XML processor (242) of Lonroth. However, as is clear from Figure 2 of Lonroth, the XSL style sheets (250) and the XML processor (242) are separate entities.

Because Lonroth does not disclose each and every limitation of claim 6, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claim 6 should be reversed.

- (ix). **Lonnroth fails to disclose “upon the platform running, a new kind of device can be incorporated by adding a gateway in the device-platform interface and adding an item in said device information without changing service system at the back-end of the platform,” as claimed in claim 8.**

The Examiner incorrectly relies on col. 6, lines 1-47 of Lonnroth as disclosing “upon the platform running, a new kind of device can be incorporated by adding a gateway in the device-platform interface and adding an item in said device information without changing service system at the back-end of the platform,” as claimed in claim 8. The recited portion of Lonnroth makes *absolutely no mention* of “a new kind of device,” of “adding a gateway in the device-platform interface,” or “adding an item in said device information without changing service system at the back-end of the platform.” The Examiner’s arguments are clearly without merit.

Because Lonnroth does not disclose each and every limitation of claim 8, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claim 8 should be reversed.

- (x). **Lonnroth fails to disclose “upon the platform running, a new kind of service can be incorporated by adding an adapter in the service-platform interface and adding an item in said service information without modifying the programs at the front-end of the platform,” as claimed in claim 9.**

Like section (C)(ix) above, the Examiner incorrectly relies on col. 6, lines 1-47 of Lonnroth as disclosing “upon the platform running, a new kind of service can be incorporated by adding an adapter in the service-platform interface and adding an item in said service information without modifying the programs at the front-end of the platform,” as claimed in claim 9. The recited portion of Lonnroth makes *absolutely no mention* of “a new kind of service,” “adding an adapter in the service-platform interface,” or “adding an

item in said service information without modifying the programs at the front-end of the platform.” The Examiner’s arguments are clearly without merit.

Because Lonnroth does not disclose each and every limitation of claim 9, it is respectfully asserted that no *prima facie* case of anticipation has been made out. Accordingly, the rejection of claim 9 should be reversed.

D. Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lonnroth.

(i). The Examiner failed to state any motivation or suggestion to modify the reference.

The Examiner’s entire 35 U.S.C. § 103 rejection is encompassed by the following two sparse sentences:

As to claims 3 and 5, the applicant states that the claimed components can be replaced by third party products on page 12, lines 9-16 of the applicant’s specification. If such products are available for purchase then they are well known and obvious to use.

The Examiner’s reasoning is flawed on at least three levels.

First, the term “profile manager” claimed in claims 3 and 5 are not mentioned in page 12, lines 9-16 of the Appellants’ specification.

Second, the Examiner’s reasoning that if a product is available for purchase, then it must be well known and obvious to use is flawed. Claims must be viewed in their entirety. By focusing on an individual claim term and determining that it is available for purchase, the Examiner effectively and improperly eliminates interpreting the claim as a whole. Further, whether a claim term is available for purchase or is well known does not make it obvious to use. For example, a claimed invention may be a novel combination of well

known components. Under the Examiner's flawed interpretation, he would consider such a novel combination to be obvious. This is clearly improper.

Third, the Examiner fails to state any motivation or suggestion to modify Lonnroth. The Examiner makes only a conclusory determination that a product available for purchase is obvious to use.

The Examiner has failed to establish a *prima facie* case of obviousness. Therefore, the rejection of claims 3 and 5 should be reversed.

(ii). The Examiner failed to address claim 4.

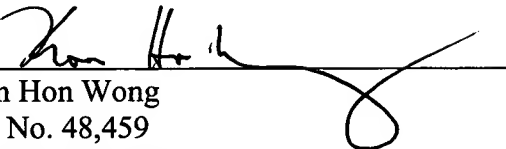
The Examiner failed to address claim 4. Although claim 4 is objected to, claim objections are not before the Board. Nevertheless, Appellants submit that the failure by the Examiner to address claim 4 implicitly indicates allowance of claim 4. That is, by not addressing each and limitation of claim 4, claim 4 must be allowed. Alternatively, the Examiner's reliance of Lonnroth under § 102(e) and § 103(a) does not anticipate or render obvious claim 4. Accordingly, the rejection of claim 4 should be reversed.

E. CONCLUSION

The claims fully comply with the requirements of 35 U.S.C. § 101 for at least the reasons noted above. Each and every element of the claimed invention is not described by the teachings of the applied prior art reference. The Examiner has failed to establish a *prima facie* case of anticipation of the presently claimed invention under 35 U.S.C. § 102(e) over Lonnroth for at least the reasons noted above. The Examiner has failed to establish a *prima facie* case of obviousness of the presently claimed invention under 35 U.S.C. § 103(a) over Lonnroth for at least the reasons noted above. Accordingly, it is

respectfully requested that the Board reverse the rejection of claims 1-6, 8 and 9 under 35 U.S.C. § 101, 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a).

Respectfully submitted,

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Claims Appendix

1. A pluggable service delivery platform for supporting many devices requesting many services in an e-business application, comprising:

a device-platform interface, for accepting device requests issued by devices wherein said device requests are in a representation mode which is adapted for the devices, transforming the device requests into XML requests and then sending the XML requests to a platform kernel section via HTTP protocol, and transforming XML responses which are returned by the platform kernel section into the representation mode, said device-platform interface comprising: (1) a common transcoding section, for transcoding between the representation mode and XML; and (2) a device dependent component, the device dependent component comprising device type and transmitting protocol information;

a service-platform interface, for abstracting service requirements of the services as a common base, providing an adapter for each of the services based on the service requirements, the adapter for transforming between service responses issued by the services and the XML responses; and

a platform kernel section, for managing user information, device information and service information, providing one of a synchronized and an asynchronous service engine, providing interfaces with modules in the platform kernel section, and transferring the XML requests and the XML responses among the modules and between services and devices.

2. A pluggable service delivery platform according to claim 1, wherein said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer; the run-time layer, the administration layer and the

development layer are associated via a platform API; the run-time layer provides on-line information access, the administration layer is responsible for adding and deleting the user information, the device information and the service information, and the development layer provides support to new services and new devices.

3. A pluggable service delivery platform according to claim 1, wherein said platform kernel section further comprises: a profile manager, a billing interface, and a platform run-status manager.

4. A pluggable service delivery platform according to claim 1, wherein said one of a synchronized and an asynchronized service engine provides synchronized requests based on a session and asynchronized requests based on a queue.

5. A pluggable service delivery platform according to claim 3, wherein said profile manager is used for managing the user information, the service information and the device information.

6. A pluggable service delivery platform according to claim 1, wherein said device-platform interface provides a corresponding gateway for each of the devices, for transforming the XML response into a file format which is adapted for the devices and transforming among communication protocols based on script languages of the devices stored in said device information.

7. (Cancelled).

8. A pluggable service delivery platform according to claim 1, wherein upon the platform running, a new kind of device can be incorporated by adding a gateway in the device-platform interface and adding an item in said device information without changing service system at the back-end of the platform.

9. A pluggable service delivery platform according to claim 1, wherein upon the platform running, a new kind of service can be incorporated by adding an adapter in the service-platform interface and adding an item in said service information without modifying the programs at the front-end of the platform.

Evidence Appendix

None

Related Proceedings Appendix

None